

December 18, 2017

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: *Ex parte letter; WiMAX Forum Petition Proposing Rules for the
Aeronautical Mobile Airport Communication System, RM-11793*

Dear Ms. Dortch:

By this letter, the WiMAX Forum seeks to clarify an issue raised in the filing submitted by the Aerospace and Flight Test Radio Coordinating Council, Inc. (“AFTRCC”) dated December 11, 2017.¹

For the past six years, the WiMAX Forum has helped advance the development of WiMAX system profiles to meet the international requirements for AeroMACS. By building agreement among stakeholders, the WiMAX Forum has played a leading role in advancing the development, testing, and deployment of this vital new communications service. As a result of these efforts, internationally harmonized technical standards have been adopted by the relevant global standards organizations.

Earlier this year, the WiMAX Forum filed a petition requesting that the Commission initiate the process of promulgating service rules for AeroMACS, which holds a priority over aeronautical mobile telemetry (“AMT”) operations in the 5091-5150 MHz band pursuant to Footnote US444B(b) to the Table of Allocations.² The Petition was the direct result of the

¹ Letter from William K. Keane, Counsel to the Aerospace and Flight Test Radio Coordination Council, Inc., to Marlene H. Dortch, Secretary, FCC, RM-11793 (filed Dec. 11, 2017) (“AFTRCC Letter”).

² See Petition of WiMAX Forum for Rulemaking to Adopt AeroMACS Service Rules (filed Mar. 31, 2017) (“Petition”). It should be noted again that Footnote US444B(b) was adopted at the specific request of the National Telecommunications and Information Administration (“NTIA”). See Letter from Paige R. Atkins, Associate Administrator, Office of Spectrum Management, NTIA, to Julius P. Knapp, Chief, Office of Engineering and Technology, FCC, ET Docket No. 12-338, at 2 (Feb. 11, 2015).

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WiMAX Forum's proactive efforts to engage with the AeroMACS ecosystem to advance the deployment of this service. Before filing the Petition, and in the spirit of its consensus building approach, the WiMAX Forum proactively sought out representatives from other potentially implicated interests, including the Federal Aviation Administration ("FAA") and the AMT community, to preview and socialize the proposed rules.³

Last month, the WiMAX Forum was asked by the FAA to join its discussions with the AMT community regarding the coming deployment of AeroMACS. The purpose of these discussions is to help the AMT community develop AMT equipment standards, AMT siting guidance, and other techniques for avoiding harmful interference in light of the AeroMACS priority and to provide the AeroMACS community with a better understanding of AMT operations at commercial airports to inform the Channel Manager about potential opportunities for coordination in time of AeroMACS and AMT operations consistent with the AeroMACS priority.⁴

Accordingly, on December 5, 2017, representatives from the FAA, the AMT community, and the AeroMACS community held an initial conference call. The group discussed how the WiMAX Forum might assist AMT vendors to develop AMT siting guidance and standardize AMT radio equipment in the 5091-5150 MHz band to enhance the prospects of AMT compatibility with AeroMACS, consistent with the AeroMACS priority. Because there currently are no AMT operations in this band and no Commission-approved AMT equipment,⁵ AMT vendors have a greenfield opportunity to tailor these specifications to the environment AMT operations will encounter when AeroMACS is fully deployed. The AeroMACS community is fully committed to cooperating with AMT's efforts in this regard.

³ Some of the other parties the WiMAX Forum approached include the Airport Council International, the American Association of Airport Executives, Aviation Spectrum Resources Incorporated and airline representatives.

⁴ While equipment standards, siting guidance, and other techniques will provide opportunities to enhance the prospects for AMT use of this band, these likely will not be the only such opportunities. For example, where AeroMACS demand allows, the Channel Manager can provide AMT users access to this band during those very limited time periods in which AMT operations occur. *See* Reply Comments of the WiMAX Forum, RM-11793 (filed Sept. 5, 2017) ("WiMAX Forum Reply Comments") (the Channel Manager will "provide a single point of contact to facilitate sharing of the AeroMACS bands with Federal AeroMACS users and AMT users in a manner that will avoid interference.").

⁵ According to the Commission's Universal Licensing System, no licenses have been issued for AMT operations in the 5091-5150 MHz band. In addition, according to the Commission's equipment authorization database, no certifications have been granted for AMT equipment operating in the 5091-5150 MHz band.

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While the AFTRCC Letter correctly notes that the AMT community proposed during this December 5 teleconference the inclusion in future discussions of field tests to be conducted prior to Commission action in this proceeding, the WiMAX Forum hereby clarifies that this proposal was firmly rejected by the AeroMACS community. In doing so, the WiMAX Forum reiterated points previously made in its Reply Comments that no compelling justification exists for testing.⁶ Testing would serve only to delay the expeditious deployment of AeroMACS at our nation's airports. Rather, the AeroMACS community believes that through the use of standard modeling techniques, the AMT community can readily ascertain the likely implications for AMT receiver deployment near to AeroMACS facilities and develop technical standards, siting guidance and other approaches for use of the band consistent with AeroMACS' priority.

Finally, during the conference call, the FAA representatives and the WiMAX Forum shared their common view that further discussions can and should proceed in parallel with a rulemaking proceeding at the Commission to develop service rules for AeroMACS. Because AeroMACS has a priority over AMT in the band, because the proposed AeroMACS technical rules are all based on established international aviation standards, and because the AMT community has indicated that it is not attempting to re-litigate the AeroMACS priority,⁷ there is no compelling reason to delay the consideration of an NPRM while discussions as to how AMT can establish technical standards, siting guidance and other techniques for avoiding harmful interference proceed.

⁶ See WiMAX Forum Reply Comments at 17-18.

⁷ See Letter from William K. Keane, Counsel for the Aerospace and Flight Test Radio Coordinating Council, Inc., to Marlene H. Dortch, Secretary, FCC, RM-11793, at 2 (filed Oct. 20, 2017) (noting that representatives from the Aerospace Industries Association, The Boeing Company, Lockheed Martin Corporation, Raytheon Company, and the Aerospace and Flight Test Radio Coordinating Council, Inc. "firmly rejected" that they were seeking to re-litigate the AeroMACS priority).

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Any questions regarding this filing may be directed to the undersigned.

Sincerely,

/s/ Sean T. Conway
Sean T. Conway

cc: Michael Biggs
William K. Keane
Rachael Bender
Donald Stockdale
Dana Shaffer
Charles Mathias
Aalok Mehta
Matthew Pearl
Scot Stone
Tim Maguire
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